

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Unlicensed Activity of:

No. 06F-BD047-BNK

3 **DOVE CAPITAL CORPORATION AND**
4 **LAWRENCE V. JACKSON, PRESIDENT**

160 Old Springs Road, Suite 270
Anaheim Hills, California 92808

CONSENT ORDER

5
6 Petitioners.

7 On May 23, 2006, the Arizona Department of Financial Institutions ("Department") issued a
8 Notice of Hearing alleging that Petitioners had violated Arizona law. Wishing to resolve this matter
9 in lieu of an administrative hearing, and without admitting liability Petitioners do not contest the
10 following Findings of Fact and Conclusions of Law, and consent to the entry of the following Order.

11 **FINDINGS OF FACT**

12 1. Petitioner Dove Capital Corporation ("Dove Capital") is an Arizona foreign
13 corporation, domiciled in California, that is not authorized to transact business in Arizona as a
14 mortgage broker within the meaning of A.R.S. §§ 6-901, *et seq.* The nature of Dove Capital's
15 business is that of making, negotiating or offering to make or negotiate loans secured by Arizona
16 real property within the meaning of A.R.S. § 6-901(6).

17 2. Petitioner Lawrence V. Jackson ("Mr. Jackson") is the President of Dove Capital and
18 is not and was not, at any time material herein, authorized to transact business in Arizona as a
19 mortgage broker within the meaning of A.R.S. §§ 6-901-6 and 6-903(E).

20 3. Dove Capital and Mr. Jackson are not exempt from licensure as a mortgage broker
21 within the meaning of A.R.S. §§ 6-902.

22 4. On December 27, 2005, the Department received a forwarded complaint from Wayne
23 Strumpfer, Acting California Corporation Commissioner, stating, "this complaint concerns an issue
24 better handled by your department." It involved a complaint filed by an Arizona resident concerning
25 the handling of her mortgage loan with Dove Capital.

26 ...

1 5. On January 12, 2006, the Department sent a letter to Lawrence V. Jackson, President
2 of Dove Capital, stating that the Department had reason to believe that Dove Capital was operating
3 in Arizona without the benefit of a mortgage broker license, and gave Dove Capital an opportunity
4 to respond by January 27, 2006.

5 6. On January 23, 2006, Dove Capital replied to the Department by stating that they
6 have not solicited, originated, or done Arizona residential loan business because the company is still
7 in the process of filing an application for an Arizona mortgage broker/lender license.

8 7. The complaint filed by the Arizona resident contained a "Final Housing and Urban
9 Development Settlement Statement" showing Dove Capital listed in the items payable in connection
10 with the loan:

- 11 a. Line #801 Loan Origination Fee 1% to Dove Capital \$2,120.00
12 b. Line #808 Processing Fee to Dove Capital \$995.00

13 8. In addition the Department obtained a Final Disbursement Report showing
14 Disbursements Posted:

<u>Post</u>	<u>Ref. No.</u>	<u>Date</u>	<u>Status</u>	<u>Amount</u>
Item 4 Dove Capital	1017410	10/18/2005	CHK	(\$3,115.00)

17 9. The Department is also in receipt of check copy No. 101740 in the amount of three
18 thousand one hundred and fifteen dollars (\$3,115.00) made payable to Dove Capital, 160 Old
19 Springs Road, Suite 270, Anaheim Hills, California 92808.

20 10. Dove Capital and Mr. Jackson were not, at any time material herein, authorized to
21 transact business in Arizona as a mortgage broker within the meaning of A.R.S. §§ 6-901(6).

22 11. Based upon the above findings, the Department issued and served upon Dove Capital
23 and Mr. Jackson an Order to Cease and Desist; Notice of Opportunity For Hearing; Consent to Entry
24 of Order ("Cease and Desist Order") on April 4, 2006.

25 12. On May 2, 2006, Petitioners filed a Request For Hearing to appeal the Cease and
26 Desist Order.

1 CONCLUSIONS OF LAW

2 1. Pursuant to A.R.S §§ 6-901, *et seq.*, the Superintendent has the authority and duty to
3 regulate all persons engaged in the mortgage broker business and with the enforcement of statutes,
4 rules and regulations relating to mortgage brokers.

5 2. The conduct of Dove Capital and Mr. Jackson, as set forth above, constitutes the
6 conduct of a mortgage broker in Arizona without having first applied for and obtained a mortgage
7 broker license, in violation of A.R.S. § 6-903(A).

8 3. Dove Capital and Mr. Jackson do not meet any of the exemptions to the licensing
9 requirements set forth in A.R.S. § 6-902.

10 4. Restitution in the amount of \$4,100.00 has been paid by Dove Capital and Mr.
11 Jackson to the complainant, Arizona resident Isabel Bagioli.

12 5. The violations, set forth above, constitute grounds for (1) the issuance of an order
13 pursuant to A.R.S. § 6-137 directing Petitioners to cease and desist from the violative conduct and to
14 take the appropriate affirmative actions, within a reasonable period of time prescribed by the
15 Superintendent, to correct the conditions resulting from the unlawful acts, practices, and
16 transactions, and (2) the imposition of a monetary civil penalty pursuant to A.R.S. § 6-132.

17 ORDER

18 1. Dove Capital and Mr. Jackson shall immediately stop the violations set forth in the
19 Findings of Fact and Conclusions of Law. Dove Capital and Mr. Jackson:

- 20 a. shall immediately cease all mortgage broker business in Arizona until such time
21 as Dove Capital or Mr. Jackson have obtained a mortgage broker license from the
22 Superintendent as prescribed by A. R. S. § 6-903.

23 2. Dove Capital and Mr. Jackson shall immediately pay to the Department a civil money
24 penalty in the amount of five thousand dollars (\$5,000.00). Dove Capital and Mr. Jackson are
25 jointly and severally liable for payment of the civil money penalty.

26 ...

3. The provisions of this Order shall be binding upon Dove Capital, Mr. Jackson, their employees, agents, and other persons participating in the conduct of the affairs of Dove Capital.

4. This Order shall become effective upon service, and shall remain effective and enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated, or set aside.

SO ORDERED this 15th day of June, 2006.


Felecia A. Rotellini
Superintendent of Financial Institutions

CONSENT TO ENTRY OF ORDER

1. Petitioners acknowledge that they have been served with a copy of the foregoing Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, have read the same, are aware of their right to an administrative hearing in this matter, and have waived the same.

2. Petitioners admit the jurisdiction of the Superintendent and consent to the entry of the foregoing Findings of Fact, Conclusions of Law, and Order.

3. Petitioners acknowledge that the acceptance of this Agreement by the Superintendent is solely to settle this matter and does not preclude this Department, any other agency or officer of this state or subdivision thereof from instituting other proceedings as may be appropriate now or in the future.

4. Lawrence V. Jackson, on behalf of Dove Capital Corporation and himself, represents that he is the President, and that as such has been authorized by Dove Capital Corporation to consent to the entry of this Order on its behalf.

5. Petitioners waive all rights to seek judicial review or otherwise to challenge or contest the validity of this Order.

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1 DATED this 1 day of JUNE, 2006.

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3 
4 Lawrence V. Jackson, President
Dove Capital Corporation

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6 ORIGINAL of the foregoing filed this 12th
day of June, 2006, in the office of:

7 Felecia A. Rotellini, Superintendent of Financial Institutions
8 Arizona Department of Financial Institutions
9 ATTN: June Beckwith
2910 N. 44th Street, Suite 310
10 Phoenix, AZ 85018

11 COPY mailed same date to:

12 Allen Reed, Administrative Law Judge
13 Office of the Administrative Hearings
1400 West Washington, Suite 101
Phoenix, AZ 85007

14 Craig A. Raby, Assistant Attorney General
15 Office of the Attorney General
1275 West Washington
16 Phoenix, AZ 85007

17 Richard Fergus, Licensing Manager
18 David L. Sprehe, Senior Examiner
19 Arizona Department of Financial Institutions
2910 N. 44th Street, Suite 310
Phoenix, AZ 85018

20 AND COPY MAILED SAME DATE by
21 Certified Mail, Return Receipt Requested, to:

22 Dove Capital Corporation
23 Lawrence V. Jackson, President
4190 Green River Road
Corona, CA 92880

24 
25 961158; CPA06-145
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